

REMARKS

Claims 3-30 are all the claims pending in this application. Claims 16-29 have erroneously been withdrawn from consideration.

Reconsideration of the subject patent application and allowance of all of the claims is respectfully requested in view of the following remarks.

The Patent Office has withdrawn claims 16-29 from consideration and asserts that independent claim 16 is directed to an invention that is independent or distinct from the invention originally claimed. Applicant submits that the restriction is improper because claims 16-29 are not directed to an invention distinct from and independent of the invention previously claimed. For example, claim 16 recites one or more client-user devices, and a promotion server device that performs receiving and determining steps. These technical features/limitations are also recited in independent claims 3 and 10 (i.e., they are common among the independent claims), and have been previously examined and acted upon. The mere fact that claim 16 contains additional elements, such as, "one or more merchant devices" and "an application service provider device" does not mean that the invention set forth in claim 16 is distinct from and independent of the invention previously examined. See, e.g., Office Action at page 2, third full paragraph. Further, there is no undue burden on the Patent Office to examine claims 16-29 since they will be classified in the same class/subclass as claims 3-15 and 30. Thus, Applicant respectfully requests the examination of claims 16-29, and withdrawal of the restriction requirement.

The Title of the Invention has again been objected to. Office Action at page 3, first full paragraph. "The title of the invention may not exceed 500 characters in length and must be as *short and specific* as possible." 37 C.F.R. § 1.72(a) (emphasis added). The proposed title "Redemption Method and System for Use with a Promotion System" is less than 500 characters in length. Further, the proposed title is short and specific. For example, independent claim 3 recites "A redemption method for use with a network

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promotion system," claim 10 recites "A redemption system for use with a network promotion system," and claim 16 recites "A data network system for providing awards to consumers for participation in promotion programs that are accessed through a network." Accordingly, Applicant submits that the proposed title "Redemption Method and System for Use with a Promotion System" satisfies the requirements of 37 C.F.R. § 1.72(a). Withdrawal of the objection to the title is respectfully requested.

Claim 30 has been objected to for a minor informality (e.g., the cited limitations are considered in the alternative). There is no "alternative" language in claim 30. Applicant respectfully requests that the Patent Office identify such language. Withdrawal of the claim objection is respectfully requested.

Claims 3-15 and 30 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Biorge et al. (U.S. Patent No. 5,806,045) ("Biorge"). Applicant respectfully traverses this rejection.

Independent claim 3 recites, inter alia, "maintaining the award transaction information in a transaction history database of a promotion server device, the promotion server device being communicable with the client-user device over a network." Independent claims 10 and 16 have a similar limitation. Biorge fails to disclose, teach or suggest this limitation.

As admitted by the Patent Office, in the system of Biorge, all incentive program information relating to a specific customer (e.g., account information, information relating to past transaction carried out using the device, etc.) is stored and maintained at a portable or handheld customer device. This is because most transactions are carried out off-line. Column 4, lines 2-6 and column 8, lines 16-28. The information is not stored or maintained in a transaction history database of a promotion server device.

Independent claim 3 further recites, inter alia, "determining an authentication level required from the selected consumer to redeem the at least a portion of the

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awards, the authentication level being determined from the award transaction information stored in the transaction history database of the promotion server device." Independent claims 10 and 16 have a similar limitation. Biorge has absolutely no disclosure relating to authentication levels required for permitting customers to redeem award points. Since Biorge does not store or maintain award transaction information in a promotion server device, but rather in a portable or handheld customer device, Biorge cannot teach the authentication level being determined from the award transaction information stored in the transaction history database of the promotion server device.

Since Biorge does not teach each and every limitation of independent claims 3, 10 and 16, Biorge cannot anticipate these claims. Thus, the §102(b) rejection of these claims should be withdrawn.

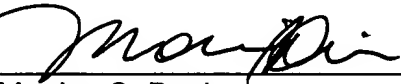
Claims 4-9, 11-15 and 17-30 depend directly or indirectly on at least one of independent claims 3, 10 and 16 and are submitted to be distinguishable over the Biorge reference for at least the same reasons set forth above in connection with claims 3, 10 and 16.

Finally, in response to the Patent Office's "Response To Applicant's Arguments," each argument is related to each of independent claims 3, 10 and 16, and none of the arguments have been addressed by the Patent Office in the Non-Final Office Action or the Final Office Action.

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Applicant submits that the present application is now in condition for allowance.
Reconsideration and favorable action are earnestly requested.

Respectfully submitted,

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